



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/613,339	07/10/2000	Nobuyoshi Morimoto	5596-00300	9759

7590 03/05/2007
ROBERT C KOWERT
MEYERTONS HOOD KIVIN KOWERT & GOETZEL PC
P O BOX 398
AUSTIN, TX 78767-0398

EXAMINER

ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
----------	--------------

3621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
2 MONTHS	03/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/613,339
Filing Date: July 10, 2000
Appellant(s): MORIMOTO, NOBUYOSHI

MAILED

MAR 05 2007

GROUP 3600

Robert C. Kowert

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/13/2006 appealing from the Office action mailed 04/25/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 2002/0029188 A1

Schmid 12/1999 Provisional

6,285,986

Andrews 09/2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-44 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-7, 9-31, 32-35 and 37-44 are rejected under 35 U.S.C. 102 (e) as being anticipated by Schmid US 2002/0029188 A1 with a non-provisional of provisional application No. 60/172,736, filed on 12/20/1999.

As per claims 1, 3-7, 9-31, 32-35 and 37-44 1, 3-7, 9-31, 32-35 and 37-44-44 **Schmid** discloses a computerized system for negotiating loans on behalf of a borrower collects data on a desired loan transaction in electronic form. The system electronically notifies a plurality of lenders of the requested loan transaction and invites each lender to electronically submit a corresponding quote. Each lender is also provided with options to improve their corresponding quote (which is readable as Applicant's claimed invention wherein it is stated that a method for negotiating improved terms for a product or service), comprising:

Detecting an issuance of a commitment to purchase with associated terms for said product or service being purchased by a purchaser using an Internet web site, in

Art Unit: 3621

response to said detecting, making an offer to said purchaser to accept or reject a contract for negotiating said improved terms within a specified time, if said purchaser accepts said offer, conducting a search for said improved terms (specifically wherein said each lender is also provided with options to improve their corresponding quote, abstract) within said specified time, receiving said improved terms within said specified time, and executing said contract (see., abstract, page 1, [0008], [0014], page 2, [0017], page 3, [0024]-[0031]).

Furthermore this process is also readable as LENDINGTREE.com.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 8, 31 and 36 are rejected under 35 U.S.C 103 (a) as being unpatentable over Schmid in view of Andrews (U.S. Pat. No. 6,285,986).

As per claims 2, 8, 31 and 36 Schmid discloses the claimed method as stated in claim 1 above. Schmid fails to explicitly disclose the step of detecting comprises detecting said purchaser entering a credit card number or a pre-paid account number or a gift certificate number. However, Andrews discloses a method of payment and shipping information (see., col 2, lines 37-48).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Schmid by including the limitation detailed above as taught by Andrews since the form of payment information can also include payment by credit card or gift certificate or account number.

Appeal Conference

NO.	Claim 1	Schmid US 2002/0029188/ 60/172736	Andrews 6,285,986
1	<p>Claim 1 recites a method of negotiating improved terms for a product or service.</p> <p>Associated terms for said product.</p> <p>Improved term=borrower selects quote and best terms.</p> <p>Specified time= a period of negotiation, the borrower selects one quote.</p> <p>Conducting a search=company's manpower, i.e borrower may call on three, four, five or more lending sources</p>	<p>Negotiating loans on behalf of a borrower, see., abstract, page 1, [0008].</p> <p>See., [0008], [0014].</p> <p>See., page 1, [0003]</p> <p>OR provisional application</p> <p>60/172,736, pages 1-15, fig 1A.</p>	

2	Claims 2, 8, 31 and 36 (103)	Schmid fails to disclose a method of entering a credit card number or pre-paid account number or a payment.	Andrew discloses a method of payment and shipping information (col 2, lines 37-48).
	<p>Claim 14 recites a commitment to purchase=when the lending source issues a commitment letter to fund the loan (see., [0005]).</p> <p>Claims 5 and 6 recite displaying (or clicking an icon) said contract on a screen of a computer= the system displays the selected quotes to the borrower and also to each lender (see., page 1, [0008] and [0017].</p> <p>Claims 29, 41 and 44 recite detecting an alternative contract=borrower may negotiate one lending against another to</p>	<p>Web site server=company web site see., abstract.</p> <p>see., page 1, [0008].</p> <p>Notification about issuance of purchase=the system notifies multiple lenders...</p> <p>OR provisional application 60/172,736, pages 1-15, fig 1A.</p>	

	improve his/her position for better price or quote (see., [0004] and [0008].		
--	--	--	--

(10) Response to Argument

In response to Applicant's representative's arguments, Applicant's representative argues that:

a. The December 20, 1999 filing date can only be used as Schmid's 35 U.S.C. 102 (e) prior art date for the subject matter that is common to both the Schmid patent and the provisional application. However, the Examiner respectfully disagrees with this assertion since the Schmid patent provisional application 60/172,736 discloses the claimed limitations in pages 1-15. Therefore, Applicant's representative argument is moot.

b. Regarding claims 1, 3, 7, 10, 15, 16, 20, 23, 29 and 38-40, Applicant's representative argues that Schmid fails to disclose detecting an issuance of a commitment to purchase with associated terms for a product. As indicated above, the Schmid provisional application 60/172,736 discloses this limitation in pages 1-15, specifically page 3 wherein said when the lending source issues a commitment letter to fund the loan.

Please note that original purchase as recited in claim 29 is interpreted as a regular purchase.

Art Unit: 3621

c. Schmid fails to disclose conducting a search for the improved terms within the specified time. The Examiner respectfully disagrees with this assertion because Schmid discloses this limitation in page 2, specifically wherein said company's manpower, i.e borrower may call on three, four, five or more lending sources.

d. In regard to claim 16, Applicant's representative argues that the Schmid provisional application fails to disclose detecting the purchaser viewing a particular web page. As noted above, Schmid discloses this limitation in page 1 and pages 5-8, specifically wherein said if more than one deal were pending with prospective borrower or client, specifics about each deal would be viewable. Please note that this process is performed via commercialFunding.com web site, and therefore commercialFundind is capable of detecting or tracking the purchaser viewing a particular web page, and also page 7 for specific deal tracking.

e. In regard to claims 5 and 17, Applicant's representative argues that Schmid fails to disclose detecting said purchaser clicking an icon to confirm order. The Examiner respectfully disagrees since Schmid discloses this limitation in pages 3 and 7.

In regard to claim 6 and 19, Schmid fails to disclose making an offer to the purchaser includes displaying the contract of a computer system. This limitation is disclosed by Schmid in pages 1, specifically wherein said the invention is viewable on computer monitors in the form of a web site, and also page 7 for viewing deal contract.

f. In regard to claims 9, 12, 22 and 25 Schmid fails to disclose improved terms comprise a better price. However, this limitation is disclosed by Schmid in page 3,

Art Unit: 3621

specifically wherein said borrower may negotiate one lending against another to improve his/her position for better price or quote.

g. Please note that "if" be is analogous to may be, and therefore optional elements do not narrow the claim because they can always be omitted. " In re Johnson, 435 F.3d 1381, 77 USPQ2d 1788, 1790 (Fed. Cir. 2006)(where the federal Circuit affirmed the Board's claim construction of "further including that said wall may be smooth, corrugated, or profiled with increased dimensional proportions as pipe size is increased" since "this additional content did not narrow the scope of the claim because these limitations are stated in the permission form "if").

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Pierre Eddy Elisca

Primary examiner

Conferees:

Andrew Fischer 

SPE, Art Unit 3621

Alexander Kalinowski 

SPE, Art Unit 3691

Please type a plus sign (+) inside this box → ☐

12-21-99

Docket Number:

SCG-010

APPROV

PROVISIONAL APPLICATION FOR PATENT COVER SHEET (Small Entity)

This is a request for filing a PROVISIONAL APPLICATION FOR PATENT under 37 CFR 1.53 (c).

INVENTOR(S)/APPLICANT(S)					
Given Name (first and middle (if any))		Family Name or Surname		Residence (City and either State or Foreign Country)	
Stephen J.		Schmid		Malvern, PA	
<input type="checkbox"/> Additional inventors are being named on page 2 attached hereto					
TITLE OF THE INVENTION (280 characters max)					
METHOD AND APPRATUS TO FACILITATE COMPETITIVE FINANCING ACTIVITIES AMONG MYRIAD LENDERS ON BEHALF OF ONE BORROWER					
CORRESPONDENCE ADDRESS					
Direct all correspondence to:					
<input type="checkbox"/> Customer Number		<input type="text"/>		<input type="checkbox"/> Place Customer Number Bar Code Label here	
OR					
<input checked="" type="checkbox"/> Firm or Individual Name		Ratner & Prestia			
Address		P.O. Box 980			
Address					
City		Valley Forge	State	PA	ZIP 19482
Country		USA	Telephone	610-407-0700	Fax 610-407-0701
ENCLOSED APPLICATION PARTS (check all that apply)					
<input checked="" type="checkbox"/>	Specification	Number of Pages	15	<input checked="" type="checkbox"/>	Small Entity Statement
<input checked="" type="checkbox"/>	Drawing(s)	Number of Sheets	6	<input checked="" type="checkbox"/>	Other (specify) Appendices
METHOD OF PAYMENT OF FILING FEES FOR THIS PROVISIONAL APPLICATION FOR PATENT (check one)					
<input checked="" type="checkbox"/>	A check or money order is enclosed to cover the filing fees				FILING FEE AMOUNT (\$)
<input type="checkbox"/>	The Commissioner is hereby authorized to charge filing fees or credit any overpayment to Deposit Account Number:				18-0350
<input type="checkbox"/>					\$75.00
The invention was made by an agency of the United States Government or under a contract with an agency of the United States Government.					
<input checked="" type="checkbox"/>	No.				
<input type="checkbox"/>	Yes, the name of the U.S. Government agency and the Government contract number are				

Respectfully submitted,

SIGNATURE

Kenneth N. Nigon

Date December 20, 1999

TYPED or PRINTED NAME Kenneth N. Nigon

REGISTRATION NO. 31,549
(if appropriate)

TELEPHONE 610-407-0700

USE ONLY FOR FILING A PROVISIONAL APPLICATION FOR PATENT

SEND TO: Box Provisional Application, Assistant Commissioner for Patents, Washington, DC 20231

12/20/99

96/02/21
96/21/09
014 8 0 35507

BEST AVAILABLE COPY

Docket Number:

SCG-010

PROVISIONAL APPLICATION FOR PATENT COVER SHEET (Small Entity)

INVENTOR(S)/APPLICANT(S)		
Given Name (first and middle (if any))	Family Name or Surname	Residence (city and either State or Foreign Country)

Certificate of Mailing by Express Mail

I certify that this application and enclosed fee is being deposited on December 20, 1999 with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.



Signature of Person Mailing Correspondence

Kristen Foley

Typed or Printed Name of Person Mailing Correspondence

EL399195952US

"Express Mail" Mailing Label Number

USE ONLY FOR FILING A PROVISIONAL APPLICATION FOR PATENT

SEND TO: Box Provisional Application, Assistant Commissioner for Patents, Washington, DC 20231

Applicant or Patentee: Stephen J. Schmid

Serial or Patent No.: To Be Assigned

Attorney's Docket No.: SCG-010

Filed or Issued: Herewith

For: METHOD AND APPARATUS TO FACILITATE COMPETITIVE FINANCING ACTIVITIES AMONG MYRIAD LENDERS ON BEHALF OF ONE BORROWER

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY

STATUS (37 CFR 1.9(f) and 1.27(c) - SMALL BUSINESS CONCERN

I hereby declare that I am

☒ the owner of the small business concern identified below.

☐ an official of the small business concern empowered to act on behalf of the concern identified below.

NAME OF CONCERN Summit Capital Group, Inc.

ADDRESS OF CONCERN 51 Summit Road, Suite 1, Malvern, PA 19355

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed, to and remain with the small business concern identified above with regard to the invention, entitled METHOD AND APPARATUS TO FACILITATE COMPETITIVE FINANCING ACTIVITIES AMONG MYRIAD LENDERS ON BEHALF OF ONE BORROWER, by inventor(s) Stephen J. Schmid described in

☒ the specification filed herewith.

☐ application serial no. _____, filed _____

☐ patent no. _____, issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME CommercialFunding.com, Inc.

ADDRESS 51 Summit Road, Suite 1, Malvern, PA 19355

☐ INDIVIDUAL

☒ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

NAME _____

ADDRESS _____

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b)).


I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Stephen J. Schmid

TITLE OF PERSON OTHER THAN OWNER _____

ADDRESS OF PERSON SIGNING 51 Summit Road, Suite 1, Malvern, PA 19355

SIGNATURE



DATE 12/12/99

United States Patent Application Details

***THIS IS A CONFIDENTIAL DOCUMENT AND MAY BE VIEWED ONLY WITH
PERMISSION OF SUMMIT CAPITAL GROUP, INC.***

METHOD AND APPARATUS TO FACILITATE COMPETITIVE FINANCING ACTIVITIES AMONG MYRIAD LENDERS ON BEHALF OF ONE BORROWER.

Inventor: Stephen J. Schmid

Assignee: CommercialFunding.com, Inc., Malvern, Pennsylvania (incorp. in Delaware)

This CONFIDENTIAL DOCUMENT is intended to outline the scope, methodology, and functionality of the invention to facilitate on-line, real-time finance activities on behalf of borrowers of capital.

SCOPE:

The invention facilitates creation of a new global marketplace for arranging loans by bringing borrowers of capital and lenders of capital together, on-line, in real-time. The invention encompasses proprietary software, computer hardware, telecommunications (specifically, the Internet) and encrypted data transfer. The invention is viewable on computer monitors in the form of a web site. The web site functions to bring borrowers seeking capital and lenders who provide capital together by utilizing proprietary software which has been designed to facilitate real-time interactivity via the Internet. The invention has been modeled to foster a competitive environment among myriad lenders for the benefit of a borrower seeking capital. Utilization of the model benefits borrowers

because it creates competition among lending sources for a single lending opportunity. The competitive forces that the model fosters will cause lending sources to reduce margins and improve terms, thus benefiting the borrower of capital.

METHODOLOGY:

In establishing a new market for the facilitation of *global* commercial lending via the Internet, one need comprehend how the current market works. When a business needs to borrow funds for its operations, or to purchase assets (or to lease them) a company executive calls on its lending sources and describes what the loan is needed for and how the loan proceeds will be repaid. The lending source may be a banker, investment banker, financial broker, pension fund advisor, insurance company, amateur intermediary, or high net worth individual. The lending source may be a specialist in commercial/resort real estate, equipment leasing, or asset based lending.

Depending upon the company's manpower, the borrower may call on three, four, five or more lending sources or financial intermediaries and discuss his/her borrowing request with each of them. The borrower forwards a package of financial data to each lending source that has expressed an interest in the loan request. Often a borrower will contact locally based lending sources to repeat this process time and time again. Then, the borrower *waits* for a response. Depending upon a number of factors such as: the quality and completeness of the financial data; style of presentation; business sector; reputation of the borrowing entity and its managers/owners; quality of the assets to be pledged as collateral; location of the business; revenue streams; AND the lending source's workload and availability of funds, one or more lending sources may respond with a rejection, more

questions about the loan request or a term sheet. Some lending sources may not respond at all leaving the borrower to wonder about the status of his loan request.

A borrower may negotiate one lending source's terms against another to improve his position. In looking for advice during this process, a borrower may call upon his/her attorney, accountant or other financial advisor. The borrower should know that the lending sources or brokers representing the lending sources are not unbiased parties. Some borrowers mistakenly believe that loan brokers or real estate lending correspondent's represent *their* interests. Not so. *These intermediaries work for the lender of capital, not the borrower.*

Once the borrower has chosen a lending source, an application is signed, and due diligence commences. Third party reports are ordered and the borrower waits for the results, which, if successful, culminate when the lending source issues a commitment letter to fund the loan.

A borrower who works through this conventional process to select the lending source he/she wants to work with makes decisions about loan terms that may conclude with a loan funding. One can deduce that if the borrower accepts the terms of the loan, he/she must be satisfied or he/she would not have signed the loan documents and obligated himself or herself to its terms. This procedure has been the norm for the commercial lending process for years.

What if lending sources had to compete for business? What if borrowers were empowered with a tool that gave them global access to capital? What if the entire lending timetable were compressed?

The invention has been licensed to CommercialFunding.com, Inc. CommercialFunding.com answers these questions through an interactive, on-line real-time "marketplace" for *global* commercial lending.

The present invention creates a "marketplace" among borrowers and lending sources that takes full advantage of the global reach that the Internet provides. One of the ways CommercialFunding.com obtains its clients (the borrower) is by marketing to them through its website. Every business that has a link to the Internet is a potential customer. Conventional methods of advertising are also employed as described below.

Likewise, every lending source with a connection to the Internet is a potential source of capital. The Company's web site brings these two groups together in an interactive on-line, real-time "marketplace" to facilitate arranging commercial loans, globally.

FUNCTIONALITY:

An extensive marketing campaign that takes full advantage of web based links, search engine directives, print media advertising, radio spots, direct mail announcements including marketing promotional items, and cultivation of existing relationships is planned. This campaign announces the arrival of CommercialFunding.com, the owner of the subject invention and host of the web site, to the "world." Global promotions are targeted at businesses seeking capital for their projects and lending sources that make

markets in the three areas of concentration that CommercialFunding.com will operate in. Those three markets are commercial funding opportunities in equipment lease finance, commercial real estate finance and select bank lending.

Prior to the public announcement of CommercialFunding.com's arrival on the Internet, the Company will have accumulated an extensive database of capital sources including lending sources' requirements for various loan types, locational preferences, minimum and maximum loan amounts and terms. This database of lending sources is to be utilized by CommercialFunding.com to match up loan requests from borrowers with the lending sources' preferences. CommercialFunding.com seeks to empower borrowers with more *global* capital sources than the current marketplace offers.

Because a summary of the borrower's loan request is made available to more lending sources via the Internet than the borrower could reach on his own, the CommercialFunding.com interactive on-line, real time bidding model creates a stable of lending sources seeking to fund the same project. When several lending sources looking at the same potential loan are combined with an interactive on-line, real time market that dynamically moves price and terms to more efficient levels, the borrower has an opportunity to more easily improve the terms of his loan. Contrast that with the world's current conventional market practices of funding loans in which terms are dictated by lending sources instead of competed over by them.

Once a prospective Borrower visits the CommercialFunding.com website and reads about the Company to gain an understanding of its business purpose and methods he/she makes a decision to register as a member. Then, the prospective Borrower has the option of

inputting general data about himself or herself and the project, which is sent to CommercialFunding.com via the Internet in an encrypted format. (Data transmissions originated in the United States utilize 128 bit encryption and non United States originated data transmissions utilize 40 bit encryption pursuant to Federal law.) Or, he/she calls to speak with a global capital specialist (GCS) about the Company and the project. If the prospective borrower telephones CommercialFunding.com, the GCS would open a new file, or do so after the telephone call, and fill it out. An account number is assigned to the prospective Borrower once the form is submitted.

Since one of the Company's goals is to reach prospective borrowers and lenders *globally*, web site visitors have the ability to communicate with CommercialFunding.com in English initially, and Spanish, German, French, and Italian thereafter. Company management anticipates adding, Japanese and Portuguese subsequently.

Once the prospective borrower completes the form and submits it, an automatic email response is generated acknowledging that a CommercialFunding.com GCS will be calling. If the GCS has completed the form an automatic email response will be sent to the prospective borrower. An electronic file on the prospective borrower is created from the initial form and all subsequent communication, including emails, faxes, phone calls, and correspondence is entered into that borrower's file. This contract management format is designed to permit accessibility by the GCS responsible for that account and his/her workmates. Management may view it. A secure record of all who access the file, when they access the file and an audit trail of the changes made is incorporated so as to provide an audit tool that notes all proper and *improper* changes made to the files. Some data from the file, such as name, address, phone numbers, email, etc. are "exportable" for

other purposes such as specific deal tracking, letter writing campaigns, holiday greeting cards, event invitations, telephone call list, follow up and to do lists generation.

The contact management file contains a chronological summary noting all contact with the client. Specific details for each deal are noted within a file for that deal. For example, the GCS would open a contact management file for prospective Borrower X, which is established from the initial contact with him/her and read about how the initial contact occurred in the notes section. If the contact management file or the project summary data are incomplete, the GCS would complete it during the current call. The GCS could then enter notes pertaining to the call and project being discussed and schedule follow up communication as necessary. Follow up contact would be posted to the GCS's calendar automatically.

Once the relationship develops and a specific deal is being discussed, the details of that deal are maintained in a sub-file of the contact management file for that client. An account number is automatically assigned to the deal. The GCS goes to that sub-file and enters detailed information about the conversation with the client pertaining to that deal. The first line of notes from that sub-file automatically posts to the notes summary section of the main file for that prospective Borrower. This way, when a GCS or manager looks at the main file for prospective Borrower or Client X, glancing at the note section, would reveal a record of chronologically summarized correspondence. If more than one deal were pending with that prospective Borrower or client, specifics about each deal would be viewable by "clicking" the note summary.

CONFIDENTIAL - 122000

The prospective Borrower and the GCS discuss the project. The prospective Borrower executes and returns the Exclusive Engagement Agreement and wire transfers US\$3,500 as a Processing Fee. This fee also becomes the breakup fee if the prospective Borrower terminates the Exclusive Engagement Agreement. Once engaged, the prospective Borrower becomes a client. During the period of the Exclusive Engagement Agreement, CommercialFunding.com reviews the client's data, which is provided by the client in traditional paper form. Once basic due diligence is performed, CommercialFunding.com professionals prepare an on-line Summary Project Data file consisting of two pages of narrative, two pages of condensed financial data, and pictures of the real property or equipment. This information is formatted as an HTML file and is placed on the company's server. It is linked to the client's main file. If more than one deal is involved for that client then they are all accessible from the client's main file.

CommercialFunding.com then performs an internal screening of its lending source database to create a list of prospective *global* lending sources that have previously indicated a willingness to see projects of the type at hand. The list automatically provides the lending source's name; contact name and phone numbers, contact email and fax number. Furthermore, by "clicking" on any lending source's name, that lending source's entire file becomes viewable to the GCS. As in the case of the borrower's record, a main level for each lending source provides chronologically summarized notes for all correspondence with that particular lending source. "Clicking" on a summarized note for each deal permits viewing of the details for that deal. Additionally, if data is entered in the sub-file a summary of that information is posted for viewing at the main level.

A significant differentiating feature of CommercialFunding.com's business model is its ability to compress the lending process. One of the ways it accomplishes that is to provide all due diligence documentation on-line for immediate review by lending sources. A second component of the Company's business model that saves time is CommercialFunding.com's practice of ordering the necessary reports - the building or equipment appraisal, the engineering report and the environmental report - from third party agents shortly after the prospective Borrower is engaged as a client.

By ordering these reports at the beginning of the lending process, instead of after a lending source has been chosen, the overall time it takes to complete and fund a loan request is reduced. Increasing a client's timeliness of success is a unique advantage that CommercialFunding.com's business model offers both borrowers and lenders.

Global lending sources who appear on the internally generated preliminary list are sent a personalized, simple email stating that since "you" (lending source) had expressed an interest in reviewing certain types of loans, "you" are invited to preview this offering describing a (type of loan) for \$x, located in town, state, country. Please *click here* to preview the project summary. Lending sources that *click here* are taken directly to CommercialFunding.com's web site and directly to a specific project file. They are prompted to enter security codes to include name, the company's name, email address and project number.

Once the lending sources have completed those steps, the Summary Project Data file is displayed on the web site as an HTML file containing project narrative, condensed financial data, pictures and maps.

CONFIDENTIAL

The lending sources can preview the information on screen, save it to their file, and/or print it out if they want to. Based upon the information in hand, the lending sources can submit a preliminary quote on line via the CommercialFunding.com web site by entering the loan terms they would offer on the Request For Quote (RFQ) form, shown in Figures 1A, 1B, 1C and 1D for either commercial/resort real estate, equipment leasing or select bank loans. Lending sources' responses are posted to the project file, and a summary is posted to the main correspondence section of each lending source's file. When viewing the project files, CommercialFunding.com personnel and management are able to call up responses from lending sources that have quoted on a specific project. Additionally, when reviewing a lending source's file for volume or for responses to RFQ's, management can review all responses that each lending source has provided since being contacted initially.

If the lending sources determine that they need more information than what is available to them via the encrypted on-line Project Summary Data file, they have the option of downloading the Complete Project Data file by clicking the appropriate "button" for commercial/resort real estate, equipment leasing or select banking lines of credit and loans. Financial Information, including, three years of trailing balance sheet and profit and loss data, as well as current rent roll summaries, projected cash flow and a current year operating budget are available for downloading. The complete Financial Information file is formatted on financial reporting software provided by a strategic partner, and not on software developed by the Company. Our strategic partner's software is contained within the Complete Project Data file associated with the specific project that lending sources are requesting to review.

When downloading the complete Financial Information file in the format of one of our strategic partners, if the lending sources do not have the software of our strategic partner, they receive a "trial" version of the software. Once downloaded onto their computer, the "trial" version permits the lending sources to utilize the strategic partner's software to open, read, manipulate, print out and save the complete financial file on the project that they downloaded from CommercialFunding.com. Our strategic partner is simultaneously notified of the lending sources, which have received the "trial" version, and those lending sources become prospects for our strategic partner to sell one or more copies of its software to. Our strategic partner receives the lending source's name, contact name, phone number, email address, etc. automatically without CommercialFunding.com having to take the time and assign someone on staff to transfer that data to our strategic partner. CommercialFunding.com then opens a file on its server to track information on this lending source and on all lending sources who have received leads and have subsequently downloaded the "trial" version of the software.

In addition to being able to obtain the Financial Information file, if lending sources choose, they may obtain additional historical records such as appraisals on buildings and equipment, environmental and engineering reports, subject company data, additional photographs, comparable market data (for real estate), management contracts and other due diligence documentation. All of this due diligence information is contained within the Complete Project Data file. Lending sources effectuate accessibility once the appropriate security hurdles are cleared. These documents are formatted as a single encrypted, compressed file, which requires a password to open. An index notes which documents are formatted as PDF files and which ones as third party software files. The PDF files do not

permit modification by lending sources, but the third party financial files are designed to permit modification.

Lending sources have the option of downloading the complete financial files and other documents. Once the lending sources have some or all of this information they conduct their due diligence and decide if they want to submit an RFQ. Their responses are transmitted back to CommercialFunding.com and filed under the project and under the lending sources' files.

The Summary Project Data file that lending sources receive when responding to the initial CommercialFunding.com email contains a cover letter thanking them for their interest in financing the project and explaining to them the procedure and timelines for submitting their RFQ. Compliance within the time schedule is critical. All lending sources that respond with a preliminary quote within the timeline established have their responses posted to a file for comparison to other lending sources' responses. Lending sources that quote after the response date are posted to the same file but to a section noting their response was received after the bid submission date. The GCS and management may easily retrieve these files.

The GCS responsible for the transaction communicates with the client in person, on-line or by telephone to discuss the various lending sources' responses. Statistical information is also made available to the client in the form of a CommercialFunding.com report noting the number of emails sent, lending sources' response timeline, whether the responses were in compliance with the terms sought by the client according to the various components of their quotes. For example, were 100% of the responses at or less than the

interest rate sought by the client? What percentage of the loan amounts offered by the lending sources were less than, equal to or greater than the amount sought by the client? The statistical data is part of the report issued by CommercialFunding.com to the client. The report also contains CommercialFunding.com's suggestions noting which lending sources to invite to the interactive on-line, real-time Final Quote Event (FQE).

Once the lending sources have been selected to participate in the FQE, they are notified as to the date and time and the procedure for participating. (All business days are based upon the US business calendar and times are Eastern Standard Time, EST.) The lending sources that are not selected are notified and an appropriate reason is given. A form letter response allowing for customization is generated by the GCS and is mailed and/or emailed to the lending sources. A record of the correspondence is posted to the lending source's files and to the project correspondence file.

Once the date and time of the FQE has been set for the winning lending sources, an interim notice is emailed reminding them of final date and time. The GCS is prompted by an automatic reminder from his/her networked calendar to verify that the winning lending sources were notified of the FQE, and to answer any questions they might have before the event.

If lending sources have not previously downloaded the Complete Project Data files, or additional historical records pertaining to a project, they can do so between acceptance of their RFQ the and the FQE date. The time between the two events will probably not exceed seven business days (weekends excluded) so depending upon a lending sources' workload that time may be insufficient for them to complete their due diligence.

However, this model rewards lending sources that perform with greater efficiencies and penalizes those who cannot improve their response times.

The FQE is conducted via the Internet on the CommercialFunding.com web site. Participants include the RFQ winning lenders, the client and invited guests, if any. Access by participants to the Project is permitted once his/her name, company name and email address and project number are entered. At a predetermined time, the FQE begins.

During the FQE, each lending source sees, on their screen's upper portion, the components of their RFQ and on the lower portion the "best" components of the loan quote taken from other RFQ's. This split screen permits a lending source to see how their RFQ fares in comparison to each component making up the loan quote. A correspondence or "chat" section facilitates communication between individual lending sources and CommercialFunding.com, in a secure, private way that other lending sources and invited guests can not see. The option to permit the client to "see" what CommercialFunding.com "sees" on its screens is desirable in the case where a client wants to watch the bid event from a remote location. A voice link with each lending source may also be used. At CommercialFunding.com's office, each lending source's activity is viewable on one or more monitors in the conference room.

While CommercialFunding.com conducts the FQE, the client views the activity and interacts with the GCS. After a predetermined time has elapsed the client makes his final selection, the lending source with the "best" quote is selected and the session is closed. The lending sources not selected are immediately notified by letter and/or e-mail describing the "winning" bid terms. They are thanked for their participation and told that

they will be notified of the next event. The winning lending source is emailed a CommercialFunding.com Award & Commitment Letter, which contains the terms committing the lending source to book or block deal funds for a date certain closing. Upon execution and return of the Award & Commitment Letter a copy is filed in the files for the client, project and lending source files.

The winning lending source is notified when the third party reports will be available to him/her for completion of his/her due diligence. Since those reports were started shortly after the Exclusive Engagement Agreement was executed, their completion should coincide with the FQE. When available, those reports are posted on-line and the lending source is notified of their availability. Legal documents are prepared by the lending source and sent to the client. CommercialFunding.com uses standard legal documents that may be utilized with or instead of lending source's legal documents. CommercialFunding.com's management is working to implement standardized documentation, which will speed the finance process.

The Client, CommercialFunding.com and the lender complete the documentation as agreed between all parties. The loan is funded, and CommercialFunding.com is compensated.

The process of the subject invention is shown generally in the flow-chart diagrams of Figures 2 and 3. In addition, the subject application includes materials from the CommercialFunding.com web site as appendixes.

COMMERCIALFUNDING.COM, INC. CONFIDENTIAL DOCUMENT

(Request For Quote [RFQ] Section located under Current Projects/Project Summaries/Business Loan Project Summaries, or Equipment Leasing Project Summaries, or Commercial Real Estate Project Summaries.)

Request For Quote (RFQ)

Once you have determined that Project Summary number describing meets your lending parameters, complete the RFQ and submit it. Your response will be presented to our client. A CommercialFunding.com Global Capital Specialistsm is available to answer your questions and to keep you apprised of the status of your RFQ. Contact your Global Capital Specialistsm directly by email or telephone.

Project Number:

CF CRE 1299001

Project Name:

A Full Nights Sleep Apartment Community

Is this your initial RFQ response or a resubmission? Initial ☐ Resubmission ☐

RFQ Due Date:

Monday

January

03

2000

All RFQ's must be received by midnight of the Due Date, Philadelphia, Pennsylvania time.

RFQ Response Date:

Day

Month

Date

Year

FIG 1A

Lender Name:

Can the lender name appear automatically?

Contact Name:

Can the contact name appear automatically?

Is this your phone number?

Yes ☐ No ☐

Country Code

123

City Code

45

Phone #

678

910

1234

Is this your email?

sis@commercialfunding.com

Yes ☐ No ☐

Request For Quote Funding Source Terms

Loan Amount (enter as whole number):

4,800,000

(in US Dollars)

Interest Rate (enter as xx.xx):

7.25

Amortization Period (enter in months):

180

Term (enter in months):

84

Debt Service Coverage Ratio (enter as x.xx):

1.25

Par Loan: Yes ☐ No ☐ If RFQ is not at Par, enter Lender's Fee

FIG 1B

Lender's Fee (enter as x.xx):

1.00

~~Annual Percentage Rate is~~ 7.41% ~~if loan held until maturity.~~

Is there a Prepayment Penalty if loan is repaid before maturity?

Yes ☐ No ☐

If yes, select a Prepayment Penalty Format.

Choose One
~~Yield to Maturity~~
~~Loan Defeasance~~
~~Lock-out Period~~
~~Exit Fee~~
Other

~~Yield to Maturity comments~~
~~Loan Defeasance comments~~
~~Lock-out Period term in months and comments~~
~~Exit Fee amount and comments~~
Other comments

Comments:

Note: If there is a calculation utilized by you to determine Prepayment Penalty amount, please either copy it to the Comments Box noted above or, email it to: prepayment@commercialfunding.com. In the subject line reference the following project number

CF CRE 1299001

FIG 1C

Your response to this RFQ is a non-binding expression of interest that indicates likely commercial funding loan terms subject to complete due diligence and execution of mutually acceptable legal documentation. Recognize that if your RFQ is accepted, you will be invited to participate the Final Quote Event.

Please make sure that you have completed the entire form. Once you have submitted your response to the RFQ, it can not be retrieved for editing.

Clear Form

Submit

[NOTE to Webmaster: If a user does not fill out the fields, completely, and selects the Submit button, the following notice should pop up]:

Wait! Some of the fields were incomplete or empty. Please review the RFQ and complete the fields noted by an *, then press the Submit button again.

FIG 10

SECRET 9222109

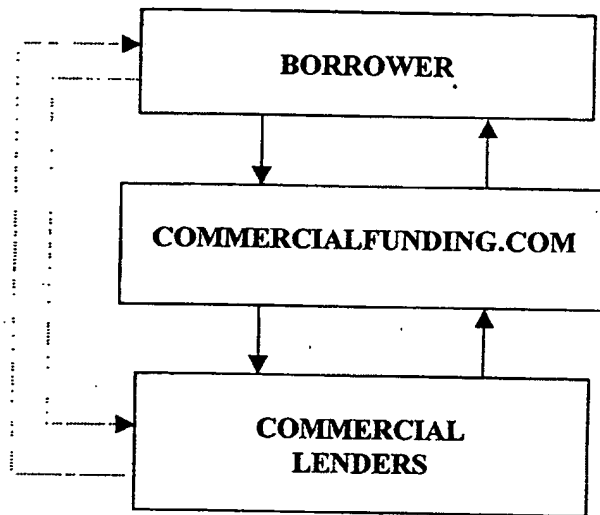


FIG 2

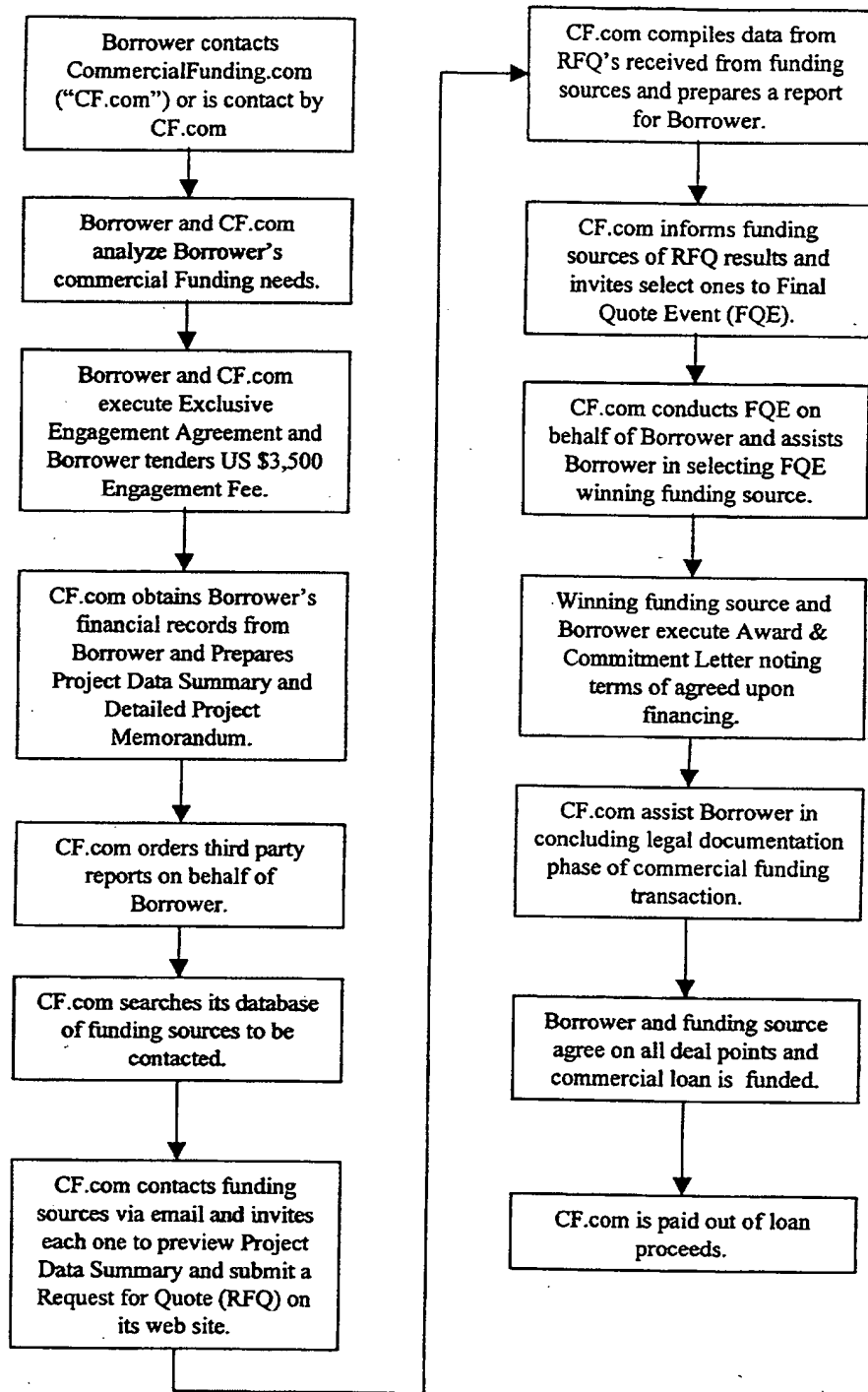
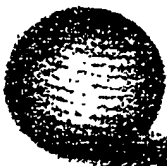



FIG 3



CommercialFunding.com... the Borrower's Fiduciary Agent™

About us Advantage Partners Current Projects Seeking Funding Providing Funding Careers
Home FAQ Are you seeking commercial funding?: [Borrower resource center](#) 

Equipment Leasing ...

The decision to lease versus buy equipment is one that businesses must constantly analyze predicated upon circumstances unique to their current and projected plans. Whether the business entity is newly organized and needs to take advantage of a venture-lease structure, or its an enterprise with solid financials and an experienced management team that is interested in maximizing return on assets, the lease versus buy question merits focused consideration.

Putting the CommercialFunding.com Unique Competitive Advantages™ to work for you will not only increase your project's timeliness of success, but also improve the financing terms. Our Global Capital Specialist are expert at sourcing, negotiating and closing complex transactions on behalf of our clients. Put our methods to the test and you will agree that CommercialFunding.com saves you time and money.

Provide us with the following basic information about you and your commercial equipment lease funding opportunity and we will contact you to discuss the specifics of the project.

Contact Name

Title

Country Code

(International Dialing Only)

City Code

(International Dialing Only)

Direct Phone Number

Cell Phone Number

E-mail

<http://roland/cfund/equipment.asp>

12/13/99

Company Name


Business Type:

Select a Business Type 

Address

Address

State/Province:

Select State/Province 

Postal Code

Country

Country Code

(International Dialing Only)

City Code

(International Dialing Only)

General Phone Number

() -

General Fax Number

() -

Web Site

Ultimate Location of Equipment

Address

Address

State/Province:

Select State/Province 

Postal Code

Country

Country Code

(International Dialing Only)

City Code

(International Dialing Only)

Location Phone Number

() -

Location Contact

Equipment to be Leased:

Equipment Cost:

Seeking commercial equipment
lease funding
in the amount of

\$

Is the equipment new or used?

☐ New ☐ Used ☐ Both

*Enter a secret username and password that you will remember.
These will permit you to access your project file.*

Username:

Password:

What percentage of the equipment lease
funding request is for soft costs, such as:
(Installation, training, service contract, software, taxes,
etc.?)

☐ 0-15%
☐ 16-25%
☐ 26-35%
☐ over 35%


Lease Type: ☐ FMV
☐ \$1 Buyout

Are you actively seeking commercial funding? Yes ☐ No ☐
Are you gathering preliminary information? Yes ☐ No ☐





CommercialFunding.com... *the Borrower's Fiduciary Agent...*

About us Advantage Partners Current Projects Seeking Funding Providing Funding Careers
Home FAQ Are you seeking commercial funding? **Borrower resource center** 

Commercial Real Estate Financing ...

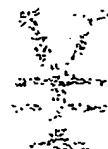
Acquiring property or refinancing existing real estate debt are complex processes. Skilled negotiations by talented individuals are necessary to accomplish your company's commercial funding goals.



Putting CommercialFunding.com's Unique Competitive Advantage *sm* to work for you will not only increase your project's timeliness of success, but also improve the financing terms. Our Global Capital Specialist are expert at sourcing, negotiating and closing complex transactions on behalf of our clients. Put our methods to the test and you will agree that CommercialFunding.com saves you time and money.



Provide us with the following basic information about you and your commercial funding opportunity and we will contact you to discuss the specifics of the project.



Contact Name

Title

Country Code

(International Dialing Only)

City Code

(International Dialing Only)

Direct Phone Number

Cell Phone Number

<http://roland/cfund/commreal.asp>

12/13/99

E-mail

Company Name

Business Type:

Select a Business Type

Address

Address

State/Province:

Select State/Province

Postal Code

Country

Country Code

(International Dialing Only)

City Code

(International Dialing Only)

General Phone Number

() -

General Fax Number

() -

Web Site

Property location

Address

Address

State/Province:

Select State/Province

Postal Code

Country

Country Code

(International Dialing Only)

City Code

(International Dialing Only)

Property Phone Number

() -

Site Manager

Property Type:

Multifamily

Property Value:

Seeking commercial real estate
funding

\$

in the amount of:

Loan Purpose:

Property acquisition - long term, fixed rate

Enter a secret username and password that you will remember.
These will permit you to access your project file.

Username:

Password:

Current first mortgage balance

Maturity Date

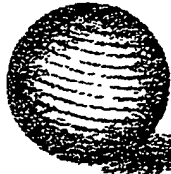
Additional lien balance

Maturity Date

Are you actively seeking commercial funding? ☐ Yes ☐ No

Are you gathering preliminary information? ☐ Yes ☐ No





CommercialFunding.com... *the Borrower's Fiduciary Agentsm*

About us Advantage Partners Current Projects Seeking Funding Providing Funding Careers
Home FAQ Are you seeking commercial funding?:

Select Bank Financing...

Obtaining commercial bank financing - either term loans or lines of credit - makes a demanding claim on your ability to operate your business profitably. Assembling documents, complying with lenders requests for information and selecting the "right" loan structure take time which can distract your focus.

Putting CommercialFunding.com's Unique Competitive Advantagesm to work for you will not only increase your project's timeliness of success, but also improve the financing terms. Our Global Capital Specialist are expert at sourcing, negotiating and closing complex transactions on behalf of our clients. Put our methods to the test and you will agree that CommercialFunding.com saves you time and money.

Provide us with the following basic information about you and your commercial funding opportunity and we will contact you to discuss the specifics of the project.

Contact Information

Contact Name

Title

Country Code

(International Dialing Only)

City Code

(International Dialing Only)

Direct Phone Number

Cell Phone Number

E-mail

Company Information

Company Name

Business Type:

Address

Address

State/Province:

Select State/Province

Postal Code

Country

Country Code

(International Dialing Only)

City Code

(International Dialing Only)

General Phone Number

General Fax Number

Web Site

Select Bank Financing InformationSeeking Select Bank Financing
in the amount of

\$

Loan Purpose:

Current Senior loan balance

Junior loan balance

Additional Junior loan balance

Maturity Date

Maturity Date

Maturity Date

Are you actively seeking commercial funding? ☐ Yes ☐ NoAre you gathering preliminary information? ☐ Yes ☐ No

Enter a secret username and password that you will remember.
These will permit you to access your project file.

Username:

Password:

Submit

Clear

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

☒ BLACK BORDERS

☒ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES

☒ FADED TEXT OR DRAWING

☐ BLURRED OR ILLEGIBLE TEXT OR DRAWING

☐ SKEWED/SLANTED IMAGES

☒ COLOR OR BLACK AND WHITE PHOTOGRAPHS

☐ GRAY SCALE DOCUMENTS

☐ LINES OR MARKS ON ORIGINAL DOCUMENT

☒ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY

☐ OTHER: _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.